



# IDAHO WATER RESOURCE BOARD

## **MEETING MINUTES 3-13**

**C.L. "Butch" Otter**  
Governor

Idaho Water Center  
Conference Room 602 C,D  
322 East Front St, Boise ID 83720

**Roger W. Chase**  
Chairman  
Pocatello  
District 4

February 15, 2013

**Peter Van Der Meulen**  
Vice-Chairman  
Hailey  
At Large

**Bob Graham**  
Secretary  
Bonners Ferry  
District 1

**Charles "Chuck"  
Cuddy**  
Orofino  
At Large

**Vince Alberdi**  
Kimberly  
At Large

**Jeff Raybould**  
St. Anthony  
At Large

**Albert Barker**  
Boise  
District 2

**John "Bert" Stevenson**  
Rupert  
District 3

Chairman Roger Chase called the meeting to order at approximately 7:30 am. There were seven Board members present. Mr. Albert Barker was absent during roll call but joined the meeting after the executive session. A quorum was present.

### **Agenda Item No. 1, Roll Call**

#### *Board Members Present*

Roger Chase, Vice-Chairman  
Vince Alberdi  
Jeff Raybould  
Bob Graham

Bert Stevenson  
Chuck Cuddy  
Peter Van Der Meulen

#### *Staff Members Present*

Brian Patton, Planning Bureau Chief  
Clive Strong, Deputy Attorney General  
Mandi Pearson, Administrative Assistant  
Helen Harrington, Planning Section Manager  
Michael Orr, Deputy Attorney General  
Garrick Baxter, Deputy Attorney General

Gary Spackman, Director  
Rich Rigby, Advisor  
Matt Weaver, Engineer

#### *Guests Present*

Lynn Tominaga, Idaho Ground Water Association  
Jon Bowling, Idaho Power Company

### **Agenda Item No. 2, Executive Session**

At approximately 7:30 am the Board resolved into Executive Session by unanimous consent pursuant to Idaho Code Section 67-2345 subsection (1)(f), for the purpose of communicating with legal counsel regarding legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. No action was taken by the Board during the Executive Session. The Board resolved out of Executive Session and into Regular Session at approximately 8:15 am.

### **Agenda Item No. 3, Milner Water Right**

Mr. Stevenson made a motion to direct counsel to resolve and implement the Board's Milner zero flow water right sub case. Mr. Raybould seconded the motion. Voice Vote. All in favor. Motion carried.

### **Agenda Item No. 4, Legislative Update** (*Garrick Baxter, Deputy Attorney General; Gary Spackman, Director*)

Mr. Baxter updated the Board on the status of House Bill 47. This legislation relating to Watermasters that provides when a Watermaster dies or resigns, authorizes the Department to work with the advisory committees of the water district to appoint a new Watermaster. He also updated the Board on legislation relating to 42-203B, which is regarding hydropower water rights. The Department proposed legislation that modified the language that sets forth the term condition put on a hydropower water right. This allows the hydropower water right to continue on unless the Director takes action on the individual water right. Mr. Baxter also noted legislation of interest to the Board that allows for an additional extension of time to establish proof of beneficial use. There was further discussion among the parties regarding this.

Director Spackman discussed the proposed legislation for well construction that would affect the rules adopted by the Board three years ago. There are three main components of the bill. The seal depth requirement would be reduced to 18 feet unless the Department requires a greater seal depth. The requirement of a 4-hour seal notice to the Department would be eliminated. The bill also proposes a new definition for artesian wells. There was further discussion among the parties regarding this legislation and Mr. Lynn Tominaga also addressed the Board on this topic.

Mr. Clive Strong discussed the State Water Plan with the Board. He discussed the concerns brought up by members of the House Committee of Resources and Conservation. There was discussion among the parties regarding this issue.

Director Spackman discussed the recharge legislation that is currently being drafted. The IWUA legislative committee is working with the Director on the draft language. The parties discussed the issues surrounding the legislation.

Director Spackman also updated the Board on the proposed Injection Well Rules.

### **Agenda Item No. 5, Adjourn**

Mr. Graham made a motion to Adjourn, and Mr. Alberdi seconded the motion. Voice Vote. All were in favor. Motion Carried.

The IWRB Meeting 3-13 adjourned at approximately 9:15 am.

Respectfully submitted this 17<sup>th</sup> day of May, 2013.



Bob Graham, Secretary



Mandi Pearson, Administrative Assistant II

Board Actions:

1. Mr. Stevenson made a motion to direct counsel to resolve and implement the Board's Milner zero flow water right sub case. Mr. Raybould seconded the motion. Voice Vote. All in favor. Motion carried.